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From: **Frank L. Bernstein** Date: **June 30, 2005**  
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Client/Matter: **13302.2** Total number of pages: **3**  
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**Message:**

Application No. : 10/665,840 Confirmation No. 6046  
Applicant : Lorna Anne EVERALL et al.  
Filed : September 19, 2003  
Title : OPTICAL INTERROGATION SYSTEM AND SENSOR SYSTEM  
TC/A.U. : 2877  
Examiner : Tu T. NGUYEN

**PAPER ENTITLED: Response to Election of Species  
Requirement**

**2 pages**

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New York Washington, DC Silicon Valley [www.kenyon.com](http://www.kenyon.com)

JUN 30 2005

**PATENT****Attorney Docket No.: 13302.2****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/665,840 Confirmation No. 6046  
Applicant : Lorna Anne EVERALL et al.  
Filed : September 19, 2003  
Title : OPTICAL INTERROGATION SYSTEM AND SENSOR SYSTEM  
TC/A.U. : 2877  
Examiner : Tu T. NGUYEN

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT****MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Election of Species Requirement dated June 8, 2005, Applicants hereby elect species 8 which the Examiner has identified. The claims which read on this species are 1-5, 9-12, 15, and 16.

Applicants note the following two items with respect to the Examiner's Election of Species requirement.

- 1) Applicants submit that claims 1-4 are generic to the identified species, and not just claim 1 as the Examiner indicated.
- 2) Applicants object to this Election of Species requirement. During a telephone conference with the Examiner on June 17, 2005, the Examiner indicated that he understood Applicants' response to the last Office Action to contain arguments that the various embodiments claimed in the pending claims were patentably distinct from each other. However, Applicants' response took no such position. What Applicants did in their response was to

Application No. 10/665,840

Atty. Docket No. 13302.2  
**PATENT APPLICATION**

Response to Election of Species Requirement dated June 30, 2005

Reply to Office Action of June 8, 2005

distinguish the claims from the prior art the Examiner cited. Nothing in Applicants' response should have prompted the Examiner to divide the embodiments into the ten species listed in the June 8, 2005 paper.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

The Office is hereby authorized to charge any fees, or credit any overpayments, to Deposit Account No. 11-0600.

Respectfully submitted,  
KENYON & KENYON

Dated: June 30, 2005

By: Frank L. Bernstein  
Frank L. Bernstein  
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**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this paper is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 30, 2005.

Thea K. Wagner  
Thea K. Wagner

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